IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 14TH JUNE 2007 / 24TH JYAISHTA 1929

Crl.MC.No. 1921 of 2007()

CC.106/2005 of CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM

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PETITIONER: IST ACCUSED

HUSSAIN YOUSEFF, SOFINE FOOD PRODUCTS
(PARALIL FOOD PRODUCTS), KAAKKAAZHAM P.O.,
ALAPPUZHA - 5.

BY ADV. SRI.BIMAL K.NATH
SRI.S.JAMAL
SRI.E.M.SUNIL KUMAR

RESPONDENTS: COMPLAINANT

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1. SHARAFUDEEN, GENERAL MERCHANT &
COMMISSION AGENT, VADAYATTUKOTTA JUNCTION,
KOLLAM.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.M.S. BREEZ.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 14/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1921 OF 2007

Dated this the 14th day of June, 2007

ORDER

To summarise the contentions, the petitioner faces indictment in a prosecution under Sec.420 of the IPC in a private complaint. The petitioner did not appear and thereupon, a warrant of arrest has been issued by the learned Magistrate. According to the petitioner, he is innocent. The petitioner, in these circumstances, wants to surrender before the learned Magistrate and seek regular bail. The petitioner apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Magistrate to release him on bail when he appears before the learned Magistrate.

2. It is for the petitioner to appear before the learned

Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself, unless compelling and exceptional reasons are there.

Sd/-
(R. BASANT, JUDGE)

Nan/ //true copy// P.S. To Judge